

BBCN BANK, *as successor to Sterling Fire*)
 Restoration, Ltd., *as successor to Foster Bank*)

Plaintiff,

V.

WACHOVIA BANK, N.A. n/k/a Wells
Fargo Bank, N.A. and JP MORGAN
CHASE BANK,

Defendants.

JPMORGAN CHASE BANK, N.A.

Third-Party Plaintiff,

V.

STERLING FIRE RESTORATION, LTD. and
MIDWEST CLOTHING AND RESTORATION,
INC. d/b/a Midwest Restoration Services,

Third-Party Defendants.

Case No. 1:14-cv-10220

Judge:
Hon. Sara Ellis

Magistrate Judge:
Hon. Sheila Finnegan

**JP MORGAN CHASE BANK, N.A.'S
MOTION TO ENTER PROPOSED JUDGMENT**

Defendant/Third-party Plaintiff JPMorgan Chase Bank, N.A. (“Chase”), by and through its undersigned attorneys, requests that the Court enter final judgment disposing of all claims and third-party claims in this Cause. In support of its Motion, Chase states as follows:

1. On February 22, 2016, the Court entered summary judgment against Plaintiff BBCN Bank, N.A. (“BBCN”) and in favor of Chase and Wells Fargo Bank, N.A. (Doc. 65–66.) Chase moves for an Order that such ruling is the final judgment of the Court, with costs to be taxed in the amount of \$501.93 pursuant to Chase’s Bill of Costs filed on March 21, 2016. (Doc. 68.)

2. On February 22, 2016, the Court granted Chase's motion for partial summary judgment as to liability on Chase's third-party complaint. (Doc. 65–66.) On February 23, 2016, the Court ordered Chase and Midwest Clothing and Restoration, Inc. d/b/a Midwest Restoration Services ("Midwest") to meet and confer pursuant to L.R. 54.3 to determine the amount of damages for which judgment should be entered on Count I of Chase's third-party complaint. (Doc. 67.) Chase and Midwest have reached an agreement that Chase is entitled to damages in the amount of Thirty Thousand And 00/100 Dollars (\$30,000.00). Chase and Midwest further agreed that Chase shall not attempt to collect on the judgment prior to August 9, 2016. Accordingly, Chase moves for a final judgment against Midwest in the amount of Thirty Thousand And 00/100 Dollars (\$30,000.00), without costs.

3. Pursuant to the agreement between Chase and Midwest, Chase has also agreed to dismiss with prejudice Count II of the Third-Party Complaint against Midwest and to dismiss without prejudice all claims against Sterling Fire Restoration, Ltd. ("Sterling"), with each party to bear its own costs. Accordingly, pursuant to Fed. R. Civ. P. 41(a), Chase moves for an order:

- a. Dismissing Count II of Chase's third-party complaint against Midwest with prejudice; and
- b. Dismissing all counts of Chase's third-party complaint against Sterling without prejudice.

4. Chase has tendered a proposed judgment, with a copy served on all parties, pursuant to the Court's Standing Order on Proposed Orders.

5. Chase has conferred with Midwest, and Midwest agrees to the relief sought in this motion.

WHEREFORE, Defendant/Third-Party Plaintiff JP Morgan Chase Bank, N.A. requests that the Court enter judgment in the form proposed by Chase that:

1. The order entered on February 22, 2016, granting the Banks' Motion for Summary Judgment on Plaintiff's Complaint (Doc. 51) is made a final judgment of this Court, and that Chase shall recover from BBCN Bank the sum of Five Hundred One And 93/100 Dollars (\$ 501.93) in costs and disbursements, as taxed;
2. Chase shall have final judgment against Midwest in the amount of Thirty Thousand And 00/100 Dollars (\$30,000.00) pursuant to Count I of the third-party complaint;
3. Count II of the third-party complaint is dismissed with prejudice against Midwest, with each party to bear its own costs;
4. All claims of Chase against Sterling Fire are dismissed without prejudice, with each party to bear its own costs; and
5. No execution may issue on the judgment against Midwest, nor may proceedings be taken to enforce it, until August 9, 2016.

Chase further requests that the Clerk set out the judgment in a separate document pursuant to Fed. R. Civ. P. 58.

Dated: May 24, 2016

Respectfully submitted,
JPMORGAN CHASE BANK, N.A.

By: /s/ Gregory Scott Gistenson
One of its attorneys

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